

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed June 7, 2005. At the time of the Office Action, Claims 1-33 were pending in the Application. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner continues to reject Claims 1-4, 6-7, 9-12, 14-15, 17-20, 22-23, 25-28, 30-31, and 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,119,014 issued to Alperovich et al. (hereinafter "*Alperovich*") in view of U.S. Patent No. 5,705,995 issued to Laflin et al. (hereinafter "*Laflin*"). The Examiner also rejects Claims 5, 13, 21, 29, and 32 under 35 U.S.C. §103(a) as being unpatentable over *Alperovich* in view of *Laflin* as applied to Claims 4, 12, 20, 25, and 28, and further in view of what is well known in the art. The Examiner also rejects Claims 8, 16, 24, and 32 under 35 U.S.C. §103(a) as being unpatentable over *Alperovich* in view of *Laflin* as applied to Claims 1, 9, 17, and 25 above, and further in view of U.S. Publication No. 2001/0041571 A1 issued to Yuan (hereinafter "*Yuan*"). These rejections are respectfully traversed for the following reasons.

Applicant would like to point out that Applicant understands the Examiner's contention and his strategy in employing the use of *Alperovich* and *Laflin*. Having understood the Examiner's perspective, Applicant feels well-positioned to demonstrate the allowability of the pending claims. Applicant is confident in a mutually-agreeable resolution being reached in this case.

There are several limitations recited by Independent Claim 1 that fail to appear in the references cited by the Examiner. These missing limitations lie at the heart of the discord between Applicant and the Examiner. The Examiner concedes that *Alperovich* fails to disclose any reference to pushed data, but Applicant notes that "pushed data" is not the only deficiency of *Alperovich*. *Alperovich*'s architecture cannot analyze the message to determine if it contains pushed data, determine, if the message contains pushed data, whether the pushed data is appropriate for a session currently being hosted by the mobile unit, and post the pushed data to the session if the data is appropriate for the session, as is recited by Independent Claim 1.

Note that ‘pushed data’ in such an environment should not be construed in a vacuum or thought of as an insignificant appendage in such a system. Indeed, pushed data in such a context would implicate several related operations. Any of the three (3) operations highlighted above, by themselves, would vitiate the Examiner’s rejection. The prevalence of all these integrated steps, steps which are inextricably linked to one another, would ostensibly militate an allowance of the pending subject matter. While *Alperovich* appears to be analogous art, it is simply not a panacea in this regard.

Focusing on just one of these steps for a moment, by empowering the mobile device to make an evaluation of whether or not the pushed data is appropriate for the session, the mobile device achieves a management or filtering function for the system. Without such an ability, there is no control by the mobile device for which type of data propagates to the end users. Consider the magnitude of all of the unwanted push data that is present in a given network. Such undesired data consumes resources, augments processing loads, and hampers the end user’s experience. There is nothing in any reference that provides this significant management or filtering function for the mobile device. This is not an elusive, trivial, or opaque distinction, as such an ability is important and yet completely lacking in any of the cited references.

Moreover, neither *Laflin* nor *Alperovich* offer any of the other above-identified steps in their disclosures; yet these items are clearly circumscribed by Independent Claim 1. For at least these reasons, Independent Claim 1 is clearly allowable over the *Alperovich-Laflin* and the *Alperovich-Laflin-Yuan* combinations. In addition, Independent Claims 9, 17, 25, and 33 include a limitation that is similar, but not identical, to that of Independent Claim 1. Accordingly, these Independent Claims are also allowable over the proffered combinations using a similar rationale. Additionally, the dependent claims corresponding of these Independent Claims are also allowable for analogous reasons.

Thus, all of the pending claims have been shown to be allowable, as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these pending claims.

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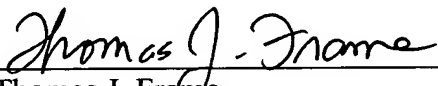
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas Frame at 214.953.6675.

Respectfully submitted,
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